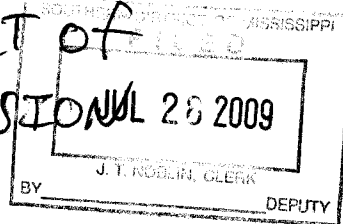


IN THE UNITED STATE DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF  
MISSISSIPPI SOUTHERN DIVISION



JAMES FARROW

Plaintiff

V

CASE NO. 1:05cv326 LG-JMR

SONIA Polk, Preston Wills, Karl Stolz, [REDACTED]  
Ryan Teal, Dr Lanny Couvillon ET AL. DEFENDANTS

MOTION IN RESPONSE AGAINST DISMISSAL  
OF REPORT AND RECOMMENDATION

ON SEPT 16, 2004 PRESTON WILLS GROUNDEN MY  
GROIN OR TESTES WITH A GLOVED HAND SOKE IN  
O.C. SPAY THREE DIFFERENT TIMES THAT I WAS  
BEATEN UNCONSCIOUS BY MANY OTHER DEFENDANTS  
AND WAS WOKE UP BY SAID ACTIONS MISS STATUTE  
MAYHEM 97-3-59 AND SEXUAL BATTERY 97-3-95

THE DEFENDANT BEAT me TO BAY TO WALK SO  
THEY DRAGED me AND CONTINUALLY BEAT PLAINTIFF  
TO THE CLINIC DOOR THEN TEAL AND NECAISE  
RAMED PLAINTIFF INTO THE IRON DOOR SEVERAL  
TIMES BECAUSE IT WOULDN'T OPEN IT WAS LOCKED  
WHEN THE OFFICER OF THE SEGREGATION BLOCK  
GOT THE KEY TO THE CLINIC DOOR AND OPEN IT

NURSE SONIA Polk came in the block and PLAINTIFF TOLD NURSE Polk AND CAPT. TAYLOR THE DEFENDANTS THEN CAPT. TAYLOR SAID THAT HE WOULD ORDER THE DEFENDANTS TO BE RESTRAINED FROM PLAINTIFF EXCEPT SGT THOMAS AND SGT MATTHEW HE SAID FOR THE SGT'S TO TAKE DOWN MY REPORT BUT I WAS AFRAID TO BE ALONE WITH THEM AND ANOTHER OFFICER WAS THERE WITH ME AND I ASK SGT. THOMAS BY HIS LAST NAME TWO TIMES AFTER THAT WHY HE LET THE OFFICERS DO THAT TO ME AND LOCKEN THE OTHER WAY HE LOOKED DOWN AND SAID NOTHING EACH TIME CONSEQUENTLY, THOSE OFFICERS "KNOW OR SHOULD HAVE KNOWN" THAT THEY WERE BEING SUED ESPECIALLY FEL, because AND THOMAS THAT WAS TOLD BY [REDACTED] PLAINTIFF AND THAT THEY HAD THE SAME COUNSEL OR LAWYERS IN THE EXACT FACT PARALLEL CASE JESSE LEE WILLIAMS V. HARRISON COUNTY AND THE RELEVANCE AND MATERIALITY THAT THE DEFENDANTS STATED THAT THEY HAD NEVER HEARD OF SUCH A THING TO CAPT. TAYLOR AND CAMPBELL IN INVESTIGATION RELATES BACK TO PLAINTIFF CASE OF THE ON GOING CONSPIRACY OF THE DEFENDANTS AT THE HARRISON COUNTY ADULT DETENTION CENTER.

SOME DEFENDANTS HAVE MADE UNTIMELY RESPONSE ON AUGUST 12, 2005 PLAINTIFF FILED A SECOND AMENDED COMPLAINT ANY PLAINTIFF TO THE BEST OF HIS KNOWLEDGE WAS NOT GIVEN LEAVE FOR DISCOVERY AND WAS GIVEN NO COUNSEL OR HAD NO UNDERSTANDING TO COMPEL AND FOR DEFENDANT COUNSEL INTENTIONALLY DELAYED DISCOVERY FOR OVER A YEAR AND SEVERAL MONTHS ~~TIL~~ ON FEB 14, 2007 DEFENDANTS HAVE MADE NO CLAIM THAT THE PASSAGE OF TIME HAS IN ANY WAY PREJUDICED THEIR ABILITY TO DEFEND THIS LAWSUIT. PLAINTIFF WAS IN JAIL FROM 9/04 TO EVEN TIL HE FILED HIS COMPLAINT ON 8/12/05. TOLLING PROVISION ARE APPLICABLE TO 42 U.S.C. § 1983 ACTIONS. FOR EXAMPLE KENTUCKY REVISED STATUTES § 413.310 PROVIDED THAT THE TIME OF THE CONFINEMENT OF THE PLAINTIFF IN THE PENITENTIARY SHALL NOT BE COUNTED AS PART OF ~~THE~~ THE PERIOD LIMITED FOR THE COMMENCEMENT OF AN ACTION SEE HARDIN V. STRAUD, 490 U.S. 536, 104 L. Ed. 2d 582, 109 S. CT. 1998 (1989).

WHEN STATE LAW PROVIDES MULTIPLE STATUTES  
OF LIMITATION FOR PERSONAL INJURY ACTIONS COURTS  
CONSIDERING 42 U.S.C. § 1983 CLAIMS SHOULD BORROW  
THE GENERAL OR RESIDUAL STATUTE FOR PERSONAL  
INJURY ACTIONS. IN MISSISSIPPI THE GENERAL  
7 YEAR STATUTE OF LIMITATION OF MAYHEM  
97-3-59 AND SEXUAL BATTERY 97-3-95 OR  
OFFICER RAPE 97-3-104 APPLIES TO 42 U.S.C. §  
1983 CLAIMS. PLAINTIFF REQUEST THAT THIS  
CASE NOT BE BARRIED.

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Respectfully submitted  
James 